

DEC 28 2004

Application: 10/070,302
Filed: May 01, 2002
TC Art Unit: 1541
Confirmation No.: 2077WEINGARTEN, SCHURGIN, GAGNERIN & LEBOVICI LLP
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Boston, Massachusetts 02109
Telephone: (617) 542-2290
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Date: December 28, 2004

Attorney
Docket No.: MBP-010XXNOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Daniel R. Dietrich, et al.

Entitled: CONGENER INDEPENDENT DETECTION OF MICROCYSTIN AND MODULARIN CONGENERS

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 28, 2004, of the Examiner finally rejecting claims 1, 3-12 and 14-28.

Authorization for charging the Notice of Appeal fee in the amount of \$250.00 is included on the enclosed amendment transmittal form.

The following checked items are appropriate:

A timely response to the final rejection:

☐ has been filed ☒ is hereby filed

An extension of time to respond to the final rejection:

1. ☐ was requested on _____ for _____ month(s);
 2. ☐ is hereby requested for _____ month(s) and a check in the amount of \$_____ for the extension fee is enclosed.
 3. ☒ is included on the enclosed amendment transmittal form along with authorization to charge extension fees.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Mary B. Saperley, TC Art Unit 1641, Fax No. (703) 872-9306, on December 28, 2004

SUBMIT IN TRIPPLICATE

TSM/mc/315415-1

Holliday C. Gaine, Ph.D.
Attorney of Record
Registration No. 34,346

GE 3/15 RCVD AT 12/28/2004 2:12:14 PM [Eastern Standard Time] SVR USPTO-EF XRF-1/0 DMS:8729306 CSID:16176950392 DURATION (mm:ss):04:12

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1253 1,020

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01/03/2005 FHECER 0000000 230804 10070302
01 FC:1401 500.00 DA
02 FC:1253 1020.00 DAAdjustment Date: 05/20/2005 SDIRET1
01/03/2005 FHECER 00000002 230804 10070302
01 FC:1401 500.00 CR
02 FC:1253 1020.00 CR

05/20/2005 SDIRET1 00000006 230804 10070302

01 FC:2401 250.00 DA
02 FC:2253 510.00 DA

Rev 09/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Daniel R. Dietrich, et al.
Application No. : 10/070,302
Filed : May 1, 2002
Confirmation No. : 2837
For : CONGENER INDEPENDENT DETECTION OF
MICROCYSTIN AND NODULARIN CONGENERES
Examiner : Mary Ceperley
Attorney's Docket : MBP-010XX

TC Art Unit: 1641

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents, Office of
Finance, P.O. Box 1450, Alexandria, VA 22313-1450 on

3-18-5.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicants

REQUEST FOR REFUND

Commissioner for Patents
Office of Finance
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, having paid a three month extension fee of \$510.00
for small entity status with the Notice of Appeal filed on

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Application No.: 10/070,302

Filed: May 1, 2002

TC Art Unit: 1641
Confirmation No.: 2837

December 28, 2004 was charged the large entity fee for the three month extension.

Kindly credit the amount of \$510.00 to our Patent and Trademark Office Deposit Account No. 23-0804. Triplicate copies of this transmittal letter are enclosed.

Respectfully submitted,

DANIEL R. DIETRICH, ET AL.

By: 

Charles L. Gagnebin III
Registration No. 25,467
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